(8)

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 359 OF 2005

PETITIONER

1. Ram Abhilash Awasthi, S/o Shri Durga Prasad Awasthi, aged about 45 years.
2. Jagmohan Sharma, S/o Shri Bhagat Ram Sharma, aged about 26 years.
3. Surjeet Singh, S/o Shri Ratan Singh , aged about 28 years.
4. Balbeer Singh, S/o Shri Ram Singh Bat, aged about 45 years.
5. Vijay Gupta, S/o Shri Sudama Prasad Gupta, aged about 42 years.
6. Kamlesh Kumar, S/o Shri Bhag Chand Chandel, aged about 25 years.
7. Ramesh Bhoie, S/o Shri Balbhadra Bhoie , aged about 27 years.
8. Harjeep Singh, S/o Shri Ratan Singh, aged about 32 years.
9. Mukesh Kumar, S/o Shri Kamlesh , aged about 27 years.
10. Narendra Singh, S/o Shri Sadhu Singh, aged about 40 years.
11. Ranjeet Singh, S/o Late Shri Najar Singh aged about 37 years.
12. Sarvan Singh, S/o late Shri Ajayab Singh , aged about 29 years.
13. Jinesh Kumar Ramteke, S/o Shri Tilak Chand, aged about 30 years.
14. Malkhan Singh, S/o Shri Ram Say, aged about 33 years.
15. Harpreet Singh, S/o Shri Bhagwan Singh , aged about 25 years.

P.R. No. 1116/05
Presented by Shri Sumit Sahu
dated 16-03-05

Received
RECEIVED-COPY
15/3/2005
CLERK to A. G. BILASPUR

16. Purshottam Soni, S/o Shri Laxmi Nath Soni, aged about 49 years.

17. Man Haran Lal Verma, S/o Shri Shyam Narayan Verma, aged about 39 years.

18. Jaspal Singh, S/o Shri Karam Singh, aged about 25 years.

19. Anil Sharma, S/o Shri Bhagwan Sharma , aged about 41 years.

20. Narendra Pandey, S/o Shri Raj Kishore Pandey, aged about 39 years.

21. Subodh Sharma, S/o Shri Mohan Lal Sharma, aged about 41 years.

22. Raju Das Manikpuri, S/o Shri Bhagwan Das, aged about 29 years.

23. Dilip Yadav, S/o Shri Shanker Yadav , aged about 37 years.

24. Upendra Rao, S/o Shri Alappa Swami, aged about 30 years.

25. Amar Shrivastav, S/o Shri Rajendra Shrivastav , aged about 26 years.

26. Gautam S/o. Semi Jagat aged about 26 years.

27. Trilok Singh Dhillan, S/o Shri Surta Singh, aged about 39 years.

28. Resham Singh, S/o Shri Sadhu Singh aged about 29 years.

29. Rajendra Singh, S/o Shri Iqbal Singh , aged about 37 years.

30. Dashrath Manjhi, S/o Shri Chintamani Manjhi, aged about 30 years.

31. Sadhan Chakrawarti, S/o Shri Sunil Chakrawarti, aged about 33 years.

32. Mirja Nashim Beg, S/o Shri Mirja Kashim Beg , aged about 32 years.

33. Manjet Singh, S/o Shri Karam Chandra Jogda, aged about 35 years.

34. Ravi Yasdav, S/o Shri Makhan Yadav, aged about 32 years.

35. Ashwani Bharatwanshi, S/o Shri Prahlad Bharatwanshi, aged about 28 years.

36. Ramnaresh Tripathi, S/o Shri Chhotelal Tripathi , aged about 44 years.

37 Pranav Kumar Das, S/o Shri Ranjet Das , aged about 48 years.

38. Rajesh Gajbhie, S/o Shri Haridas Gajbhie, aged about 33 years.

39. Ashok Yadav S/o. Shri Bigan Yadav aged about 35 years.

40. Madhu Kanai, S/o Shri Khagga Kanai, aged about 53 years.

41. Dhananjay Vaishanav, S/o Shri Banshi Lal Vaishanav , aged about 24 years.

42. Navneet Baweja, S/o Shri Radha Kishan Baweja about 37 years.

43. Hemant Singh , S/o Shri V. P. Singh , aged about 35 years.

44. Sudhir Agrawal, S/o Shri Teekam Chandra Agrawal, aged about 26 years.

45. Digvijay Singh, S/o Shri Ambika Prasad Singh aged about 54 years.

46. Dinesh Tiwari, S/o Shri Girja Chandra Tiwari , aged about 51 years.

47. Jasvinder Singh, S/o Shri Gurunam Singh, aged about 29 years.

48. Ashok Meshram, S/o Shri Asha Ram Meshram, aged about 25 years.

49. Bhagat Singh, S/o Shri Gurudayal Singh , aged about 41 years.

सपथ आयुक्त
एस.के.पाला
बिलासपुर (म.प्र.)
बिलासपुर तहसील कोर्ट

50. Rajendra Kashyap S/o Shri Keju Ram Kashyap, aged about 28 years.
51. Jogendra Singh, S/o Gurrudatta Singh
52. Radhe Lal Yadav, S/o R. R. Yadav
53. Arun Kumar Tiwari, S/o Satyanarayan
54. Baljeet Singh, S/o Harbansh Singh,
55. Khetra Dalai, S/o Bheem Dalal
56. Hemshanker Yadav, S/o Banshilal
57. Shaha Ram Yadav, S/o Fikhram
58. Arun Tripathi, S/o Indranarayan Tripathi
59. Pargat Singh, S/o Mukund Singh,
60. Iqbal Ahmad, S/o Jiyadduin
61. Chandra Pal Jatav, S/o Maladen Jatav,
62. Deepak Thakur, S/o Ajayab Thakur,
63. Sanjay Vaishnav, S/o Banshi Das,
64. Swarn Singh, S/o Gyan Singh,
65. Sitaram Kashyap, S/o Ramlal,
66. Banshilal Yadav, S/o Mehtarram Yadav,
67. Satendra Kumar, S/o Ram Kumar,
68. Raju Deshmukh, S/o Somnath
69. Chandra lal Jangela, S/o Khaow lal
70. Rakesh Mishra, S/o K. S. Mishra
71. Kulbhushan Sharma, Jagdish sharma,
72. Kulmati Singh, W/o Vikram Singh
73. Karn Singh, S/o Jagganath.
74. Yuvraj Marie S/o. Kachrumane

75. Surendra Jaiswal, S/o Badri Pd.
76. Manoj Kumar Chelak, S/o D. D. Chelak
77. Raghubeer Singh, S/o Malak Singh
78. Jai Diwivedi, S/o G. D. Dwivedi,
79. Vinay Singh, S/o Ram Villas
80. Rajeshwer Pd. Dwivwdi, S/o Dayashanker
81. Jagtar Singh, S/o Harbansh Singh,
82. Narendra Sahu, S/o Sunder lal
83. Bhupendra Ram Bhalla, S/o G. R. Bhalla
84. Satyam Prakash Jha, S/o C. P. Jha
85. Kedar Nath Joshi. S/o Vikram Joshi
86. Anil Choube, S/o Surendra Choube.
87. Mangal Singh, S/o Jagendra Singh
88. Shekh Sajjid, S/o kudrat Ali
89. Sawarn singh, Sitar Singh
90. Paras Nath Jaiswal, S/o Mukesh Jaiswal
91. Ambu Lal Yadav, S/o Pusu Lal
92. Surendra Banjare, S/o A. R. Banjare
93. Santosh S/o Madhu
94. Panchu Ram Deshmukh, S/o Somnath
95. Deepak S/o Tikam
96. Tikam Chandra Agarwal, S/o Ballabh Das
97. Ganesh Gajbiye, S/O Tarachand
98. Suraj Shrivastav, S/o Mahadev
99. Amrik Singh, S/o Bhagwan Singh
100. Amol Bhogde S/o Vasudev

101. Dhamiya Bandhiwar, S/o Lame
102. Seema Gajbhiye, W/o Ganesh
103. Raman Deep Kaur, W/o Jaspal Singh
104. Aman Deep Kaur, S/o Kulwant Singh
105. Pramajot Kaur, S/o Sarjeet Singh
106. Gauri Bai, W/o Sanjay
107. Archana Singh, W/o B. P. Singh
108. Asha Jaiswal, W/o Surendra Jaiswal
109. Lalmati Bai, W/o Sambhu
110. Sumin S. Lasiyal, S/o Shailendra
111. Harpreet Kaur, W/o Harjeet
112. Sudha Soni, W/o Neelkamal Soni
113. Rekha Jatav, W/o Chandra pal
114. Geeta Devi, W/o Vinay Singh
115. Anju Pandey W/o Narendra
116. Sunita Thakur W/o Deepak
117. Kunj Bai Verma, W/o Manharan Lal
118. Poonam Yadav S/o Ashok Yadav
119. Kiran Meshram, W/o Ashok Meshram
120. Roopa Sharma, W/o Subudh Sharma
121. Premlata W/o Ambulal
122. Durga Sahu, W/o Narendra Sahu
123. Ranjeet Kaur, W/o Jaswant Singh
124. Meeta Devi, W/o Harishchandra
125. Gurmeet kaur, W/o Mangal
126 Saraswati w/o Harishanker

127. Jasbeer Kaur, W/o Narendra Kaur

128. Rupinder Kaur, W/o Parghat

129. Sarita W/o Panchuram

130. Rajni Beweja, W/o Navneet

131. Mala Chakraverty, W/o Sadan

132. Sukhbeer Kaur, W/o Raghubeer Kaur

133. Lakhbeer Kaur, S/o Resham

134. Sukhraj W/o Swarn Singh

135. Harjeet Kaur W/o Rajendra

136. Vidya Singh S/o Digvijay

137. Kulwant W/o Rajwant

138. Chooti Bai W/o Sitaram

139. Parniya Bai W/o Banshi Lal

140. Leela Bai, W/o Dilip

141. Meena Talwar, W/o Adarsh

142. Amarjeet Kaur, W/o Amrik Singh

143. Gaytri Yadav, W/o Sadaram

144. Nemin Bai, W/o Basant

145. Sawatree Devi, W/o Deenesh Tiwary

146. Mamta Mane, W/o Yuvraj

147. Rajwant Kaur, W/o Balbeer

148. Lakhbinder Kaur, W/o Ranjeet

149. Sobhana Das, W/o Pranao Das

150. Amar Nath Diwedi, S/o Aydhya

151. Jaswant Thakur, S/o Rewa Ram

152. Umesh Yadav, S/o Mannu Lal

(15)

153. Harendra Singh, S/o Mahadev

154. Dhana Lal S/o Devsharan

155. Birendra Kumar, S/o Ladhu Ram

156. Mast Ram S/o Paltan Sarhti

157. Aswin Sahu S/o Ram Lal Sahu

158. Dev Narayan S/o Kanahiya lal

159. Amar Sarthi S/o Kupar Singh

160. Mohan Lal Devangan S/o Narendra,

161. Ashok kumar S/o Dungru Yadav

162. Chandra Kant Dhruv, S/o Jagdish

163. Durgesh Nirmal Ker, S/o Budharu

164. Reman kumar Yadav, S/o Pawan Kumar

165. Naresh yadav, S/o Rohit Ram

166. Vijay verma, S/o Bali Ram

167. Tarkeshwer Nath Sharma, S/o Shriram

168. Jogendra Singh gill, S/o Bachaan Singh

169. Om Prakash, S/o Ram ji

170. Kamal Nayan Tripathi, Ram Badan

171. Durga PD. S/o Budharu

172. Harbhajan Singh S/o Dharam Singh

173. Rajbhan Sahu S/o Heera Lal

174. Ramesh Tandon S/o Kishan Ram

175. Rajesh Satpute S/o Madhuker

176. Kripa Sindhu MAhto, S/o K. Mahato

177. Kameshwer Singh, S/o J. Singh

178. Vinay Mishra, S/o V. B. Mishra

(18)

179. Sanjay Shulkla, S/o P. P. Shukla
180. Bijendra Singh, S/o Ramchandra
181. Arvind Jaishwal, S/o Ram lal
182. Manu Yadav, S/o Mitti Yadav
183. Babloo Chakarwarti, S/o M. G. C
184. Dew Narayan Saroj, S/o Ram Anjor
185. Bishhat Rajak, S/o Kangal Rajak
186. Heera Lal Dwivedi, S/o Kalu Pd.
187. Rajendra Pd. Tiwari, S/o C. Lal
188. Ramniwas Shriwas, S/o Jagdish
189. Shiv Shanker Jaiswal, S/o Ramashre
190. Santosh Kumar Chouhan, S/o Tikaram
191. Sanjay Sahgal, S/o Jawaher Lal
192. Sanjay Sharma, S/o Gopee
193. Om Prakash Sahu, S/o Sunder Lal
194. Deepak Singh Rajput, S/o Khelu Singh
195. Khog Singh, S/o Govind Pd.
196. Ajay Singh, S/o Hemnarayan
197. Payre Lal Sahu, S/o Manoher
198. Rajnarayan, S/o Ram Anjor
199. K. Vainketeshwer Rao, S/o K. Rammurti
200. Pramod K. Dhote, S/o Shesh Ram
201. Lakhwinder Singh, S/o Shanker Singh
202. Ajay Kumar, S/o Charan Das,
203. Kamalashan, S/o Rohni Das
204. Dharmendra Singh, S/o Chander Singh

205. Balwinder Singh S/o Lakhbeer Singh
206. Brij Kishore Singh, S/o Indra Dev Singh
207. G. P. Tiwari, S/o R. K. Ttiwari.
208. Dajiram Rangari, S/o Dev Ram
209. Karunesh, S/o Awadhesh
210. Vinod Mishra, S/o Ramashre
211. Chinna Kondaiya, S/o K. Pal
212. Manjeet Singh, S/o Niranjan Singh
213. Nitin Sharma, S/o Narayan
214. Narbada Pd. Pandey S/o Brijbhushan
215. Rishi dubey, s/o B. R. dubey
216. Shailendra Kumar Gautam, S/o B. L. G.
217. Shanker Lal Patwa, S/o Bhagwandeen
218. Narendra baghel, S/o Jalaram
219. Venu gopal, S/o K. C. Rao
220. Lakhan Singh S/o Ram kumar
221. Ranbeer Singh S/o Jagat Ram
222. Girish Namade, S/o Eknath
223. Rustam S/o Abdul Rahim
224. Ratan Lal, S/o Kapur Chand
225. Narayan Pandey, S/o Khemu
226. Devendra Singh S/o Jageer Singh
227. Harikeshwer Verma, S/o L. L. Verma
228. Soman Chhakerborty, S/o Anil
229. Bhure Lal, S/o Nanhe Chuhan
230. Ravi Aushariya, S/o Siddhu Ram

(18)

~~10 AA~~

231. Satyendra Jaiswal, S/o Badri Pd.

232. Omkar, S/o Surendra

233. Dalbeer Singh Parmar, S/o Bidya Chand

234. Vijay patsker, S/o Ramphal

235. Raju Thakur, S/o Dhrup Singh

236. Kanisht Mahanand, s/o Manbodh

237. Ashok Banjare, S/o Baldao

238. Somsunder Anjare, S/o K. S. B. Achare.

239. Ram Avtar Mishra, S/o hriday Narayan

240. Arun kumar Sarthi, S/o Devsharan

241. Ramnaresh Choube, S/o Surendra

242. Shekher Yadav, S/o Shatrughan

243. Karetish, S/o Bhasker Rao

244. Naresh Sarthi, S/o Sitaram

245. Sukhvinder singh, S/o Jagendra Singh

246. Manish, S/o Ramkishore

247. Sukendra Pandey, S/o Laxmi Narayan

248. Suresh Yadav, S/o Nathhu

249. Devendra Singh S/o Ram Singh

250. Manpreet Singh S/o. Mangal Singh

ALL R/o Bhilai, Distt: Durg (C.G.)

VERSUS

RESPONDENTS :

(1) State of Chhattisgarh, Through the Commissioner Excise, D.K.S. Bhawan, Raipur (C.G.)

(2) Collector Excise Rajnandgaon, Distt. Rajnandgaon (C.G.)

(3) District Excise Officer, Rajnandgaon

Distt- Rajnandgaon

(19)

(11)

WRIT PETITION U/A 226/227 OF THE CONSITITUTION OF INDIA

(142)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

(Division Bench)

WRIT PETITION NO. 959 OF 2005

ORDER FOR CONSIDERATION

Sd/-

CHIEF JUSTICE
7/04/2005.

HON'BLE SHRI JUSTICE L.C. BHADOO.

POST IT FOR: 8/04/2005

Sd/-

CHIEF JUSTICE
7/04/2005.

143

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR
(Division Bench)

CORAM : Hon'ble Shri A.K. Patnaik, CJ
& Hon'ble Shri L.C. Bhadoo, J.

WRIT PETITION NO. 959 OF 2005

Ram Abhilash Awasthi & Others

Versus

State of Chhattisgarh & Others

ORDER
(8th of April 2005)

The following Order of the Court was passed by **A.K. Patnaik, CJ:**

We have heard Mr. Awadh Tripathi, learned counsel for the petitioners and Mr. Prashant Mishra, learned Additional Advocate General for the State of Chhattisgarh / respondents.

2. The Collector (Excise), Rajnandgaon (C.G.) issued a notification dated 18.02.2005 in the local news paper Deshbandhu inviting applications for grant of licence for retail sale of country / foreign liquor for the year 2005-2006. In response to the said notification 250 applicants, the petitioners herein, submitted applications but in the appropriate column they referred to the rates enumerated in the notification of the year 2004 instead of the rates enumerated in the notification of the year 2005. The result was that their applications have not been considered for selection of licensees for retail sale of country / foreign liquor shops.

3. We have already passed an order on 31.03.2005 in the case of **Rishi Dikshit vs. State of Chhattisgarh & Another** in **W.P.No.956 of 2005** declaring the entire selection of licences for retail sale of country / foreign liquor shops in the State of Chhattisgarh as illegal and directing that the fresh selection in accordance with the Chhattisgarh Excise Settlement of Licences for retail sale of country / foreign liquor Rules 2002 (for short "the Rules 2002") will be carried out after calling for information from all the applicants in a prescribed format which would show that they satisfy all

the eligibility conditions in Rule 9 of the Rules 2002. The State Government has taken a stand before us in another connected writ petition bearing **W.P.No.740 of 2005** in the case of **Jitendra Pali & Another vs. State of Chhattisgarh & Others** that the policy of the State Government is to encourage new entrants in the business of retail sale of country / foreign liquor in the State of Chhattisgarh and we have upheld the said policy decision of the State Government and we have held that all those applicants who satisfy the eligibility conditions in Rule 9 of the Rules 2002 will be considered for licences for retail sale of country / foreign liquor in accordance with the provisions of Rule 11 of the Rules 2002.

4. For the aforesaid reasons, we are of the view that the petitioners in the present writ petition should be given an opportunity to remove their defects in their applications and to furnish the information in the prescribed format which would show that they satisfy all the eligibility conditions in Rule 9 of the Rules 2002 and they should be considered for grant of licences for retail sale of country / foreign liquor in the State of Chhattisgarh if they satisfy all the eligibility conditions in Rule 9 of the Rules, 2002.

5. We accordingly dispose of the writ petition with the direction that the petitioners be allowed to remove the defects in their respective applications and furnish information in the prescribed format within a stipulated time to show that they satisfy all the eligibility conditions in Rule 9 of the Rules 2002 and if they satisfy such eligibility conditions in Rule 9 they will be considered in accordance with the Rules 2002 for grant of licences for retail sale of country / foreign liquor in the respective areas.

Sd/-
Chief Justice
8-04-2005.

Sd/-
L.C.Bhadoo
Judge